

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

02-0212-0301, Bonded Warehouse Rules; 02-0215-0301, Rules Governing the Seed Indemnity Fund; 02-0213-0301, Commodity Dealers' Rules. Changes include one or more of the following: Adds request for insurance calculation reduction; clarifies scale weight ticket requirements, guidelines for issuance of a single bond, irrevocable letter of credit and certificate of deposit, NPE (No Price Established Contracts) requirements, and assessment remittance deadline. Comment by: 9/24/03.

02-0214-0301, Rules for Weights and Measures. Establishes annual licensing and fees for weighing and measuring devices and administration of those licenses; changes incorporation by reference and updates the fees for special request testing. Comment by: 9/24/03.

02-0403-0301, Rules Governing Animal Industry. Rewrite of chapter. Comment by: 9/24/03.

02-4021-0302, Rules Governing the Importation of Animals. New chapter regulates the importation of deleterious exotic animals. Comment by: 9/24/03.

02-0424-0301, Rules Governing Tuberculosis. New chapter replaces and updates the rules regarding tuberculosis to reflect current state laws, federal regulations, and cooperative disease control programs. Comment by: 9/24/03.

02-0425-0301, Rules Governing Private Feeding of Big Game Animals. New chapter designates portions of eastern Idaho where the private feeding of big game animals is prohibited to reduce disease transmission. Comment by: 9/24/03.

02-0426-0301, Rules Governing Livestock Marketing. Changes address disease surveillance, record keeping, and animal movement related to buying stations and livestock dealers.

02-0427-0301, Rules Governing Deleterious Exotic Animals. New chapter specifies which animals are classified as deleterious exotic animals and how they are regulated. Comment by: 9/24/03.

IDAPA 09 – IDAHO DEPARTMENT OF LABOR 317 W. Main Street, Boise, ID 83735

09-0135-0301, Rules of the Employer Accounts Bureau. Change removes restriction for assessing penalty once a tax lien is filed, but while the tax is still delinquent; eliminates the specific reference to a time period for notification of change for transfer of tax rate; and requires a mandatory transfer of rate for employers when there is a continuity of ownership or management between the predecessor and successor. Comment by: 9/24/03.

IDAPA 11 – IDAHO STATE POLICE P.O. Box 700, Meridian, ID 83680-0700

11-1101-0301, Rules of the Idaho Peace Officer Standards and Training Council. Establishes the minimum employment standards that juvenile probation officers must meet to qualify for mandatory certification. Comment by: 9/24/03.

11-1301-0301, The Motor Carrier Rules. Incorporates by reference part of 39 CFR governing commercial vehicle load securement and driver hours of service. Comment by: 8/24/03.

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
PO Box 83720, Boise, ID 83720-0036**

16-0214-0301, Rules Governing Construction and Operation of Public Swimming Pools in Idaho. Adds fees and information on fee waivers. Comment by: 9/24/03.

16-0303-0301, Rules Governing Child Support Services. Complies with Idaho Code for the enforcement of the health coverage provision in a child support order and sets forth administrative procedures for providing information on securing medical support information, the obligor parent's ability to request, and administrative review and enforcement. Comment by: 9/24/03.

16-0309-0306, Rules Governing the Medical Assistance Program. Crisis case management hours are reduced from 4 to 3 hours and ongoing non-crisis case management hours are increased from 4 to 5 hours for the mentally ill. Comment by: 9/24/03.

****16-0309-0307, Rules Governing the Medical Assistance Program.** Changes support the implementation of Department's new prior authorization process found in chapter 16.03.13. Comment by: 10/22/03.

****16-0313-0301, Prior Authorization for Behavioral Health Services.** Covers prior authorization for Developmental Disability program services for eligible adults that are reimbursed by Idaho Medicaid. Comment by: 11/22/03.

****16-0223-0301, Rules Governing Uniform Assessments For State-Funded Clients.** Change identifies the standard adopted by the Department to assess individuals with a developmental disability for determination of eligibility and determination of a participant budget for authorization of services. Comment by: 11/22/03.

****16-0411-0301, Rules Governing Developmental Disabilities Agencies.** Establishes the requirement for Developmental Disabilities agencies to obtain prior authorization for DDA services for all adult participants and that DDAs submit provider status reviews semiannually and annually. Comment by: 11/22/03.

****16-0417-0301, Rules Governing Residential Habilitation Agencies.** Establishes the requirement that access to Residential Habilitation Agency services be prior authorized and that Residential Habilitation agencies submit provider status reviews semiannually and annually. Comment by: 11/22/03.

16-0502-0301, Rules Governing Audits of Providers. Repeal of chapter. Comment by: 9/24/03.

16-0505-0301, Rules Governing Fees for Health Operating Permits, Licenses, and Inspection Services. Repeal of chapter. Comment by: 9/24/03.

**IDAPA 18- DEPARTMENT OF INSURANCE
PO Box 83720, Boise, ID 83720-0043**

18-0119-0301, Insurance Rates and Credit Rating. Limits how insurers may use an insured's credit history as a basis for nonrenewing, canceling, or declining to issue certain types of policies, or charging a higher premium rate than would otherwise be charged. Comment by: 9/24/03.

18-0153-0301, Rules Governing Continuing Education. Changes continuing education requirement for resident licensed insurance producers to a standard fixed amount of 24 hours of continuing education per 2-year licensing period and to require a minimum of 3 hours in the subjects of insurance law and/or ethics for each 2-year licensing period as set by NAIC; obsolete references to brokers and agents are changed to "producers". Comment by: 9/24/03.

18-0159-0301, Rule to Implement the Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits. New chapter recognizes, permits and prescribes the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table. Comment by: 9/24/03.

IDAPA 20 – DEPARTMENT OF LANDS - IDAHO BOARD OF SCALING PRACTICES

3780 Industrial Ave South, Coeur d'Alene, Id 83815-8918

20-0601-0301, Rules of Practice and Procedure for Contested Cases and Rulemaking Before the Idaho Board of Scaling Practices. Repeal of chapter. Comment by: 9/24/03.

20-0602-0301, General Rules, Licensing, and Check Scales of the Idaho Board of Scaling Practices. Updates and corrects statute citations; incorporate rules relating to informal hearings from chapter being repealed; removes obsolete references. Comment by: 9/24/03.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

PO Box 83720, Boise, ID 83720-0074

31-7103-0301, Railroad Safety/Sanitation Rules. Incorporated by reference federal regulations to enhance the security of hazardous materials transported by railroads. Comment by: 9/24/03.

IDAPA 35 - STATE TAX COMMISSION

P.O. Box 36, Boise, ID 83722-0410

35-0102-0302, Idaho Sales And Use Tax Administrative Rules. Changes examples of sales tax usage from 5% to 6%. Comment by: 9/24/03.

35-0102-0302, Idaho Sales And Use Tax Administrative Rules. Imposes a permit fee of \$35 per year per machine on the owners or operators of coin operated amusement devices. Comment by: 9/24/03.

35-0105-0301, Idaho Motor Fuels Tax Administrative Rules. Clarifies which motor fuel users who have single storage tanks cannot use the proration method. Comment by: 9/24/03.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

PO Box 7129, Boise ID 83707-1129

39-0343-0301, Rules Governing Utilities On State Highway Right-Of-Way. Incorporates by reference the July 2003 Edition of "Utility Accommodation Policy" and removes obsolete sections of the rule. Comment by: 9/24/03.

39-0381-0301, Rules Governing issuance of Temporary Permits in Lieu of Full Registration. Provides exemption for Yakama and Nez Perce Indian Tribes from vehicle permitting and registration fees when specific requirements are met. Comment by: 9/24/03.

IDAPA 48 - DEPARTMENT OF COMMERCE

PO Box 83720, Boise ID 83720-0093

48-0103-0302, Rules of the Idaho Regional Travel and Convention Grant Program. Changes the existing, required radio advertising credit statement and replace with a message driven, Idaho Travel Council approved statement. Comment by: 9/24/03.

****PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR THESE DOCKETS.**

Please refer to the Idaho Administrative Bulletin, **September 3, 2003, Volume 03-9** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

The Idaho Administrative Bulletin and Administrative Code are available on-line at: **<http://www2.state.id.us/adm/adminrules/>**